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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,936	09/15/2003	Syed Mohammad Amir Husain	5602-11900	2029

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EXAMINER

TO, JENNIFER N

ART UNIT	PAPER NUMBER
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2195

MAIL DATE	DELIVERY MODE
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02/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/662,936

Applicant(s)

HUSAIN ET AL.

Examiner

Jennifer N. To

Art Unit

2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-30.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: In the remark applicant argued that (1) Kenton fails to teach or suggest generating a message in response to the user input, wherein the message comprises one or more instructions which are executable to perform a task; (2) Kenton fails to teach or suggest that the same task is performed on both a first computer system and on one or more additional computer system; (3) Kenton fails to teach or suggest that metadata or any element of the message identifies the source application or otherwise comprises identifying characteristics of the source application; (4) Kenton fails to teach or suggest sorting the message log by one or more elements of the metadata which comprise identifying characteristics of the source application.

As to points (1) and (2), examiner respectfully disagreed with applicant. Kenton disclosed that based on the user input in TMA i.e. purchases and allocates shares to ABC, generating message to send to PMA to update, and wherein the message comprises stages, translation instruction and workflow data, and based on the instructions PMA performed the update task (col. 4, lines 34-47; col. 5, lines 13-27; col. 6, lines 51-55). Thus, it is clearly that Kenton teaches generating a message in response to the user input, wherein the message comprises one or more instructions which are executable to perform the task. Applicant further argued that the purchase/allocation in TMA and the update task are different task. Examiner agreed with applicant that these two tasks are different tasks. Base on the argument that these tasks are different tasks, applicant argued that because these tasks are not the same tasks, thus Kenton fails to teach the same task is performed on both a first computer system and one or more additional systems. Applicant is corrected that Kenton did not teach that the same task is performed on both a first computer system and one or more additional systems. However, according to the claimed limitation in claim 1, there is nowhere recited that the same task are performed in both system (i.e. no task is executed in the first system, only a translation is performed in the first system). The claim language recited that translating the message from original format to a portable format on the first computer system, and executing the one or more instructions to perform the task on an additional system (second system). According to claim 1, a request to perform the task is made in the first system e.g. translating task, and the task being executed in the second system are different task (i.e. the task is corresponding to the user translated input and executed in the second system). Therefore, applicant argued with respect to point (2) is not claimed.

As to point (3), examiner respectfully disagreed. Kenton disclosed that each workflow message is generated in response to the system events (the event here is the purchase/allocation stock in TMA) (col. 4, lines 37-39; col. 6, lines 51-52), and the message is included all instructions and data needed to execute the workflow associated with the event (the event here is the purchase/allocation stock in TMA) (col. 6, lines 53-55). Thus it is clearly shown in Kenton that the message identifies the source application or otherwise comprises identifying characteristics of the source application.

As to point (4), examiner respectfully disagreed. Kenton disclosed that the XeML messages (messages) are stored in an XML file (message log), and in a hierarchical order (col. 7, lines 47-48). In order to store the messages in hierarchical order, one must sort the messages. Therefore Kenton teaches suggest sorting the message log by one or more elements of the metadata which comprise identifying characteristics of the source application.

In addition, applicant also argued with respect to 35 U.S.C. 101. In the remark applicant argued that claims 11-20 are limited to patentable subject matter because applicant storage media or memory media not include transmission media or signals. Examiner respectfully disagreed. According to applicant specification page 63, lines 1-6, disclosed suitable carrier media may include storage media or memory media such as magnetic or optical media, disk, or CD-ROM, as well as transmission media or signals. Thus is clearly shown from applicant specification that an example of the storage media could be transmission media or signals. Therefore, claims 12-20 are still maintain rejected under 35 USC 101 as subjected to non-statutory subject matter..